

Notice of Allowability

Application No.
08/611,306

Applicant(s)
KANIA et al.

Examiner
Dave Willse

Group Art Unit
3738



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the Amendment of March 11, 1998

☒ The allowed claim(s) is/are 3, 4, 10, and 21-40

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 7.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☒ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 14

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Richard L. Treanor on June 12, 1998.

The following sentence has been inserted at the end of the abstract:

-- In one embodiment, a tube sock-shaped covering for an amputation stump involves a fabric coated on only one side with a gel comprising a block copolymer and mineral oil. --

The specification has been amended as follows:

On page 5, line 6, "silicon" has been replaced by --silicone--.

The claims have been amended as follows:

In claim 4, lines 1-3, "said covering having an open end and a closed end opposite said open end" has been deleted;

on line 4, "than", first occurrence, has been replaced by --at--.

In claim 10, line 2, --is-- has been inserted after "coating", and

--and-- has been inserted after "covering";

on line 3, the spelling of "achilles" has been corrected.

In claim 33, line 3, "contacting" has been replaced by --adapted to contact--.

In claim 34, line 3, "contacting" has been replaced by --adapted to contact--.


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The revisions above were deemed necessary by the examiner in order to overcome objections under 35 U.S.C. §§ 101 and 112. **Moreover, the Applicant must correct the drawings so that Figures 1a, 1b, 3a, 3b, 3c, 7A, and 7B are clearly indicated. The Brief Description of the Drawings (pages 9 and 10) has been revised by informal Examiner's amendment to match these characters, which are believed to be consistent with the remainder of the specification (e.g., page 19, lines 1 and 6). Attention is directed to Form PTO 948, attachment to paper no. 7.**

A comparison was made of a Silopos Silosheath® and a model of the instant invention as claimed. The Silopos prosthetic sheath involves gel impregnation (as expressly stated in the accompanying product information leaflet) and possesses on one side a gel coating which is thinner than a gel coating on the opposite side. In the present tube-shaped covering, on the other hand, there is a gel coat on one side but no observable penetration of the gel through the fabric and onto the opposite side. Therefore, the claims are believed to patentably distinguish over the Silopos device. The Declaration under 37 CFR 1.132 of Bruce Kania has been considered and is also sufficient to overcome the rejection of claims based upon the Silosheath® of Silopos.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse, whose telephone number is (703) 308-2903. The supervisory patent examiner is Mickey Yu, whose telephone number is (703) 308-2672. The receptionist's phone number is (703) 308-0858, and the main FAX numbers are (703) 305-3591, 3590.

dhw: D. Willse
June 12, 1998


DAVID H. WILLSE
PRIMARY EXAMINER
ART UNIT 3738